

REMARKS

Claims 1-2, 4-8, 10-21, 23-36 and 38-40 are pending in the application. All pending claims stand rejected. Claims 1, 7, 20, 30 and 34 have been amended. In view of the following, all previously unallowed claims are in condition for allowance.

Rejection of Claims 1, 4, 34 and 38-39 Under 35 U.S.C. 102(b) As Being Anticipated By Duhame

Claim 1

As amended, claim 1 recites an “electronic apparatus [including] . . . a circuit . . . that causes a device operable to detect the circuit to automatically operate according to a predetermined user profile of [a] person when the person is within a predetermined distance from the device”

For example, referring to FIG. 1 and paragraphs 21-24 of the present application, a person 10 carries an apparatus/circuit 12 that causes a profile circuit 18 in an automobile 14 to automatically operate according to a predetermined user profile of the person 10 when the person is within a predetermined distance 22 from the profile circuit 18. The apparatus/circuit 12 specifically identifies a single person 10, and the profile circuit 18 automatically establishes communication with the apparatus/circuit 12 without requiring the person 10 to do anything except cause the profile circuit 18 to be within the PAN 22. Typically, the profile circuit 18 communicates with the seat, mirror, climate, and other controls in the automobile 14 in order to set these controls according to the preferences included in the person’s profile.

Duhame, on the other hand, fails to teach a circuit that causes a device operable to detect the circuit to automatically operate according to a predetermined user profile of a person when the person is within a predetermined distance from the device. Duhamé, at, e.g., FIG. 3 and col. 6, lines 24-46, teaches a portable transceiver 18 small enough to be carried in a purse or pocket and having a receiver capable of receiving an

interrogation signal transmitted by a fixed transceiver 16. Portable transceiver 18 also has a transmitter capable of automatically transmitting a radio frequency signal in response to the interrogation signal. In one embodiment of the invention, the portable transceiver's response signal includes a unique identification code. Thus, each portable transceiver 18 transmits a response signal different from any other portable transceiver. This allows the identity of each portable transceiver 18 to be determined. A communication means 34 is connected to fixed transceiver 16. Communication means 34 connects fixed transceiver 16 to various devices in and around a building. Communication means 34 can connect a variety of devices which are activated when a person is detected in an approach zone or when a door is unlocked. These devices include low voltage outdoor lights 36, appliances 38, indoor lights 40, and a thermostat 52. A programmable timer 48 may be programmed to activate various devices depending on the time of day and the identification code provided by the portable transceiver 18. For example, a first portable transceiver 18 may unlock the door, turn on the kitchen lights, set the thermostat to 68 degrees, and turn on the television. A second portable transceiver 18 may turn on the living room lights, turn on the low voltage outdoor lights, set the thermostat to 72 degrees, and turn on the radio. As such, while the timer 48 and/or the devices (*i.e.*, low voltage outdoor lights 36, appliances 38, indoor lights 40, and thermostat 52) connected thereto may operate according to a user profile, the fixed transceiver 16, which detects the portable transceiver 18, does not. Accordingly, Duhamel fails to teach the limitations of claim 1.

Claim 4

Claim 4 is patentable by virtue of its dependency from claim 1.

Claim 34

Claim 34 is patentable for reasons similar to those discussed above in support of the patentability of claim 1.

Claims 38-39

Claims 38-39 are patentable by virtue of their dependency from claim 34.

**Rejection of Claims 7-8, 10-11, 20-21 and 26-27 Under 35 U.S.C. 102(e) As Being
Anticipated By Borgstahl**

Claim 7

Claim 7 as amended recites “a circuit that: stores a predetermined user profile of a person; automatically detects a remote electronic apparatus uniquely corresponding to the person when the electronic apparatus is within a predetermined distance from the device, wherein the circuit stores the profile prior to detecting the apparatus; and causes the device to operate according to the user profile in response to detecting the electronic apparatus.”

For example, referring to FIG. 1 and paragraphs 21-24 of the present application, a circuit 18 in an automobile 14 automatically detects a profile apparatus 12 whenever the circuit 18 is within a personal area network (PAN) 22 of a person 10 carrying the profile apparatus 12. As discussed above in support of claim 1, the profile apparatus 12 uniquely identifies a single person 10, and the profile circuit 18 automatically establishes communication with the profile apparatus 12 without requiring the person 10 to do anything except cause the profile circuit 18 to be within the PAN 22. Typically, the profile circuit 18 communicates with the seat, mirror, climate, and other controls in the automobile 14 in order to set these controls according to the preferences included in the person's profile.

Borgstahl, on the other hand, fails to teach a circuit that stores a predetermined user profile of a person, automatically detects a remote electronic apparatus uniquely corresponding to the person when the electronic apparatus is within a predetermined distance from the device, wherein the circuit stores the profile prior to detecting the apparatus, and causes the device to operate according to the user profile in response to detecting the electronic apparatus. Borgstahl, at, e.g., FIGS. 2, 10 and 12 and col. 11, line 18 to col. 12, line 24, teaches a computer 120 and a personal presence identifier 122. Personal presence identifier 122 is a specific peer 20 such as an electronic watch,

an electronic wallet, a bracelet, a portable cellular phone, or a pager that has the capability of establishing a communications protocol with another peer 20, i.e., computer 120. When computer 120 and personal presence identifier 122 reside within each other's detection zone 28, they are interlinked via, for example, RF interconnections, represented as wireless communication links 26. Personal presence identifier 122 stores information on the user's computer home directories, font styles, files, etc., which is transferred from personal presence identifier 122 to computer 120 without user intervention. Tasks 104, 106 and 108 of process 102 (FIG. 10) are performed to program computer 120 with personalization data 52 (FIG. 2) from personal presence identifier 122. During task 104, computer 120 gets personalization data 52 from the service connection with personal presence identifier 122. Next, task 106 translates the network compatible personalization data 52 into a format appropriate for computer 120. As a result, computer 120 is programmed with a particular user's personalization data whenever that user is in close proximity to computer 120.

As such, Borgstahl teaches that the computer 120 (device) must first detect the presence identifier 122 (remote electronic apparatus) before receiving and storing the personalization data (profile) of the person corresponding to the presence identifier. Accordingly, Borgstahl fails to teach or suggest the limitations of amended claim 7.

Claim 20

Claim 20 is patentable for reasons similar to those discussed above in support of the patentability of claim 7.

Claims 8, 10-11, 21 and 26-27

Claims 8, 10-11, 21 and 26-27 are patentable by virtue of their respective dependencies from claims 7 and 20.

Rejection of Claims 2, 6, 35-36 and 40 Under 35 U.S.C. 103(a) As Being Unpatentable Over Duhamel In View of Borgstahl

Borgstahl fails to supply the teachings missing from Duhamel, namely an electronic apparatus including a circuit that causes a device operable to detect the circuit to automatically operate according to a predetermined user profile of a person when the person is within a predetermined distance from the device, wherein the device stores the profile prior to detecting the circuit. Therefore, this combination of references fails to render claims 1 and 34 obvious. Accordingly, claims 2, 6, 35-36 and 40 are patentable by virtue of their respective dependencies from claims 1 and 34. .

Rejection of Claim 5 Under 35 U.S.C. 103(a) As Being Unpatentable Over Duhamel In View of Luff

Luff fails to supply the teachings missing from Duhamel, namely an electronic apparatus including a circuit that causes a device operable to detect the circuit to automatically operate according to a predetermined user profile of a person when the person is within a predetermined distance from the device, wherein the device stores the profile prior to detecting the circuit. Therefore, this combination of references fails to render claim 1 obvious. Accordingly, claim 5 is patentable by virtue of its dependency from claim 1.

Rejection of Claim 12 Under 35 U.S.C. 103(a) As Being Unpatentable Over Borgstahl In View of Luff

Luff fails to supply the teachings missing from Borgstahl, namely a circuit that stores a predetermined user profile of a person, automatically detects a remote electronic apparatus uniquely corresponding to the person when the electronic apparatus is within a predetermined distance from the device, wherein the circuit stores the profile prior to detecting the apparatus, and causes the device to operate according to the user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claim 7 obvious. Accordingly, claim 12 is patentable by virtue of its dependency from claim 7.

**Rejection of Claims 13, 16-17, 30 and 33 Under 35 U.S.C. 103(a) As Being
Unpatentable Over Williams In View of Duhamel**

Claim 13

Claim 13 recites a "base unit [including] a circuit that . . . automatically detects a remote electronic apparatus associated with [a] person; and causes a device communicatively coupled to the base unit to recall and operate according to a user profile in response to detecting the electronic apparatus."

For example, referring to FIG. 3 and paragraphs 36-38 of the present application, a base unit 50 automatically detects a profile apparatus 12 whenever the base unit 50 is within a personal area network (PAN) 22 of a person 30 carrying the profile apparatus 12. It should be noted that the profile apparatus 12 specifically identifies a single person 30, and that the base unit 50 automatically establishes communication with the profile apparatus 12 without requiring the person 30 to do anything except cause the base unit 50 to be within the PAN 22. Once communication between the profile apparatus 12 and the base unit 50 is established, the profile apparatus 12, via the base unit 50, causes each of the devices to recall the respective profile of the person 30, thus eliminating the need for the person to manually recall his profiles for each respective device.

Williams, on the other hand, fails to teach a base unit having a circuit that automatically detects a remote electronic apparatus associated with a person and causes a device communicatively coupled to the base unit to recall and operate according to a user profile. Williams, at, e.g., FIGS. 1 and 3 and col. 10, lines 26-41, teaches a system 100 (base unit) having a system controller 104 (circuit) that prompts a system user to identify himself. For example, the system controller 104 may provide a window on a television/monitor 102 wherein a number of pictures of possible system users are displayed, in order to request that the user affirmatively respond via, e.g., remote control (electronic apparatus) when their picture is displayed. If the match is

verified as being accurate, then the system controller 104 configures devices (*e.g.*, television, stereo receiver, *etc.*) according to preferences of the identified user. That is, only the system controller 104, and none of the devices of which the system 100 is comprised, recalls a user profile. As such, Williams in no manner discloses that a device coupled to the system controller 104 or system 100 recalls a user profile. Furthermore, Williams in no manner discloses that a system 100 automatically detects a remote profile apparatus specifically identifying a single person.

Duhamel fails to supply the teachings missing from Williams, namely a base unit including a circuit that automatically detects a remote electronic apparatus associated with a person and causes a device communicatively coupled to the base unit to recall and operate according to a user profile in response to detecting the electronic apparatus. Duhamel does not in any manner teach that the devices (*i.e.*, low voltage outdoor lights 36, appliances 38, indoor lights 40, and thermostat 52) recall a user profile. In fact, Duhamel teaches at col. 6, lines 35-43 that “[p]rogrammable timer 48 may be programmed to activate various devices depending on the time of day and the identification code provided by the portable transceiver 18. For example, a first portable transceiver 18 may unlock the door, turn on the kitchen lights, set the thermostat to 68 [degrees], and turn on the television. A second portable transceiver 18 may turn on the living room lights, turn on the low voltage outdoor lights, set the thermostat to 72 [degrees], and turn on the radio.” As such, Duhamel clearly teaches that the timer 48 and/or portable transceiver causes the device to assume a particular setting. It is respectfully submitted that there is no reasonable basis to infer from the teachings of Duhamel that the devices recall a user profile. Therefore, this combination of references fails to render claim 13 obvious.

Claim 30

Claim 30 is patentable for reasons similar to those discussed above in support of the patentability of claim 13.

Claims 16-17 and 33

Claims 16-17 and 33 are patentable by virtue of their respective dependencies from claims 13 and 30.

Rejection of Claims 14-15 and 31-32 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of Duhamel and Further In View of Borgstahl

Duhamel and Borgstahl fail to supply the teachings missing from Williams, namely a base unit including a circuit that automatically detects a remote electronic apparatus associated with a person and causes a device communicatively coupled to the base unit to recall and operate according to a user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claims 13 and 30 obvious. Accordingly, claims 14-15 and 31-32 are patentable by virtue of their respective dependencies from claims 13 and 30.

Rejection of Claims 18-19 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of Duhamel and Further In View of Luff

Duhamel and Luff fail to supply the teachings missing from Williams, namely a base unit including a circuit that automatically detects a remote electronic apparatus associated with a person and causes a device communicatively coupled to the base unit to recall and operate according to a user profile in response to detecting the electronic apparatus. Therefore, this combination of references fails to render claim 13 obvious. Accordingly, claims 18-19 are patentable by virtue of their respective dependencies from claim 13.

Rejection of Claims 23-24 Under 35 U.S.C.103(a) As Being Unpatentable Over Borgstahl In View of Orthmann

Orthmann fails to supply the teachings missing from Borgstahl, namely a device that when remote from an electronic apparatus is operable to store a first predetermined user profile of a first person and automatically detect the first electronic apparatus when the device is within a predetermined distance from the first electronic apparatus,

wherein the device stores the profile prior to detecting the first electronic apparatus. Therefore, this combination of references fails to render claim 20 obvious. As such, claims 23-24 are patentable by virtue of their dependency from claim 20.

**Rejection of Claim 25 Under 35 U.S.C.103(a) As Being Unpatentable Over
Borgstahl In View of Doviak**

Doviak fails to supply the teachings missing from Borgstahl, namely a device that when remote from an electronic apparatus is operable to store a first predetermined user profile of a first person and automatically detect the first electronic apparatus when the device is within a predetermined distance from the first electronic apparatus, wherein the device stores the profile prior to detecting the first electronic apparatus. Therefore, this combination of references fails to render claim 20 obvious. As such, claim 25 is patentable by virtue of its dependency from claim 20.

**Rejection of Claim 28 Under 35 U.S.C.103(a) As Being Unpatentable Over
Borgstahl In View of Othmer**

Othmer fails to supply the teachings missing from Borgstahl, namely a device that when remote from an electronic apparatus is operable to store a first predetermined user profile of a first person and automatically detect the first electronic apparatus when the device is within a predetermined distance from the first electronic apparatus, wherein the device stores the profile prior to detecting the first electronic apparatus. Therefore, this combination of references fails to render claim 20 obvious. As such, claim 28 is patentable by virtue of its dependency from claim 20.

**Rejection of Claim 29 Under 35 U.S.C.103(a) As Being Unpatentable Over
Borgstahl In View of Gehrke**

Gehrke fails to supply the teachings missing from Borgstahl, namely a device that when remote from an electronic apparatus is operable to store a first predetermined user profile of a first person and automatically detect the first electronic apparatus when the device is within a predetermined distance from the first electronic apparatus, wherein the device stores the profile prior to detecting the first electronic apparatus.

Therefore, this combination of references fails to render claim 20 obvious. As such, claim 29 is patentable by virtue of its dependency from claim 20.

CONCLUSION

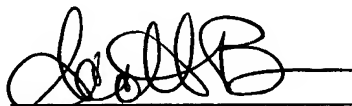
In view of the foregoing, all pending and unallowed claims are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at 425.455.5575.

In the event additional fees are due as a result of this amendment, you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

Respectfully submitted,

Dated: September 20, 2005

A handwritten signature in black ink, appearing to read 'P.G. Scott Born', written over a horizontal line.

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